IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

Civil Writ Petition No.5207 of 2005
Date of Decision: 11.05.2007

Ajit Singh

.....Petitioner

Versus

PUNSUP and Others.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. G.S.Bal, Advocate,
for the petitioner.
Mr. H.N.S.Gill, Advocate,
for the respondents.

JUDGMENT

M.M.KUMAR, J.(ORAL)

The dispute is that the petitioner, who retired from service on 30.09.2002, could a charge-sheet be issued to him on 10.09.2004 (P-2) in respect of the period 1994-1995. It is not in dispute that the service conditions of the petitioner are governed by Rule 2.2(b)(ii) of the Punjab Civil Services Rules, Volume-II (for brevity 'the rules') and the relevant extract of the same reads as under:

> "**2.2(b)** The Government further reserve to themselves the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Government, if , in a departmental or judicial proceeding, the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement:
>
> provided that:

(1) Such departmental proceedings, if instituted while the officer was in service, whether before his retirement or during his re-employment, shall after the final retirement of the officer, be deemed to be a proceeding under this article and shall be continued and concluded by the authority by which it was commenced in the same manner as if the officer had continued in service;

(2) Such departmental proceedings, if not instituted while the officer was in service whether before his retirement or during his re-employment-

(i) shall not be instituted save with the sanction of the Government.

(ii) Shall not be in respect of any event which took place more than four years before such institution; and

(iii) shall be conducted by such authority and in such place as the Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the officer during his service."

The aforementioned rule has already been considered by two Division Benches of this Court in the cases of **L.B.Gupta v. Punjab State Electricity Board, 2001(4) RSJ 127** and **Gurdev Singh v. State of Punjab, 2004(2) RSJ 325**. A perusal of the rule shows that no charge-sheet to a retired employee could be issued after his retirement in respect

of the event which took place more than 4 years before such institution of departmental proceedings.

The matter is squarely covered by the Division Bench judgments to which reference has already been made. We respectfully follow the reasoning of the two judgments.

In view of the above, the writ petition is allowed and the charge-sheet dated 10.09.2004 (P-2) is quashed.

(M.M.KUMAR)
JUDGE

May 11, 2007 **(RAJESH BINDAL)**
nt **JUDGE**